

Assembly Bill No. 1116

CHAPTER 71

An act to add Chapter 4 (commencing with Section 400) to Part 1 of the Education Code, relating to the English Language Acquisition Program.

[Approved by Governor July 6, 1999. Filed with
Secretary of State July 6, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1116, Ducheny. English Language Acquisition Program.

Existing law requires, with certain exceptions, that children in California public schools to be taught English by being taught in English.

This bill would establish the English Language Acquisition Program for pupils enrolled in grades 4 to 8, inclusive. The bill would require local educational agencies, as defined, participating in the program to conduct assessments, provide an instructional program, provide supplemental instructional support, and coordinate available services and funding. The bill would require the Superintendent of Public Instruction to annually allocate to each participating local educational agency \$100 for each pupil participating in the program and a one-time \$100 allocation for pupils in kindergarten or grades 1 to 12, inclusive, who are reclassified to English-fluent status.

The bill would also request that the Regents of the University of California develop English Language Development Professional Institutes to instruct personnel from schools participating in the English Language Acquisition Program in English language instruction, and would require each participating team member to receive a \$1,000 stipend.

This bill would, if funds for this purpose are appropriated in the annual Budget Act, require the California Research Bureau of the California State Library to convene a broadly diverse group to examine the available research on English language acquisition by English language learners.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 400) is added to Part 1 of the Education Code, to read:

CHAPTER 4. ENGLISH LANGUAGE ACQUISITION PROGRAM

400. (a) The Legislature finds and declares that English language proficiency is critical to academic success. It is therefore the intent of the Legislature to enact the English Language Acquisition Program to improve the English proficiency of California pupils, so that those pupils are better able to meet the state's academic content and performance standards. It is the intent of the Legislature that the pupils participating in this program meet grade level English language development standards established pursuant to Section 60811, as well as grade level standards in reading, writing, mathematics, science, and history/social science established pursuant to Section 60605.

(b) It is the intent of the Legislature that the English Language Acquisition Program be administered consistent with research-based strategies for teaching English language learners, as well as the English Language for Immigrant Children act set forth in Chapter 3 (commencing with Sec. 300), as applicable.

(c) It is further the intent of the Legislature that the data developed through this program be used to inform curriculum, instruction, assessment, research, inservice staff development, and teacher preparation regarding use of the most effective practices for teaching English language learners.

402. The Legislature hereby establishes the English Language Acquisition Program designed for pupils enrolled in grades 4 to 8, inclusive.

404. (a) (1) The Superintendent of Public Instruction shall allocate to each participating local educational agency, for each pupil enrolled in any of grades 4 to 8, inclusive, and identified as eligible for participation in the program established pursuant to this chapter one hundred dollars (\$100) per school year.

(2) If the available funding is insufficient to support the minimum allocation set forth in paragraph (1), the Superintendent of Public Instruction shall give priority for funding to schools with the highest proportion of pupils enrolled who are identified as English language learners.

(b) (1) From funds appropriated specifically for this purpose, local educational agencies may receive an allocation of one hundred dollars (\$100) on a one-time basis for each English language learner enrolled in kindergarten or any of grades 1 to 12, inclusive, who is reclassified to English-fluent status. Each local educational agency applying for an allocation pursuant to this subdivision shall describe the procedures and criteria for reclassification of English language learners to English-fluent status. A local educational agency may not claim funding pursuant to subdivision (a) for any pupil who has been classified as fluent in the English language if the local educational agency has received funding on behalf of that pupil pursuant to this

subdivision. In order to be eligible for funding pursuant to this subdivision, a local educational agency shall implement the English language development test established pursuant to Section 60810.

(2) This subdivision shall only be implemented upon the state's adoption of English language development standards pursuant to Section 60811.

(c) Not later than 60 days after the effective date of the act adding this section, the Superintendent of Public Instruction shall notify local educational agencies of the availability of funds for the English Language Acquisition Program. For purposes of this chapter, "local educational agency" means a school district, charter school, or county office of education. Each local educational agency shall have the opportunity to request funds appropriated for the purposes of this chapter not later than 60 days after the notification from the Superintendent of Public Instruction.

(d) As a condition of receiving funds under subdivision (a), each local educational agency shall certify that it will do all of the following:

(1) Conduct academic assessments of English language learners to ensure appropriate placement of those pupils. The assessments shall include:

(A) Initial assessment of English language learners to determine their English proficiency level.

(B) Ongoing assessment conducted at least annually to ensure accurate placement of English language learners, to communicate progress, and to provide formative assessment information to refine the program. Assessment measures shall include, but are not limited to, the state standardized testing and reporting program required by Section 60604, unless a pupil is exempted by law, and the English language development instrument to be developed pursuant to Section 60811, when it is developed.

(2) Provide a program for English language development instruction to assist pupils in successfully achieving the English language development standards adopted by the State Board of Education pursuant to Section 60811. The program shall include structured immersion instruction to be provided for English learners, such as specially designed academic instruction in English, and sheltered English strategies to ensure access by English language learners to the core curriculum, unless the local educational agency has obtained a waiver pursuant to Section 310.

(3) Provide supplemental instructional support, such as intersession, before and after school, opportunities or summer school to provide English language learners with continuing English language development. These opportunities are to supplement the regular school program and may include, but are not limited to, newcomer centers and tutorial support, mentors, or any other program that meets the objectives of the program established



pursuant to this chapter. Academic support services needed to provide these opportunities may be funded by this program.

(4) Coordinate services and funding sources available to English language learners, including, but not limited to, community-based English tutoring programs established pursuant to Article 4 (commencing with Section 315) of Chapter 3, programs for at-risk youth, after-school, intersession, and summer school programs, reading programs established pursuant to Chapter 2 of the Statutes of 1999 (First Extraordinary Session) and any available federal funds. The local educational agency shall also certify that it integrates adult community-based tutoring resources with the program established pursuant to this chapter.

(e) Funding allocated pursuant to this chapter shall supplement existing resources supporting language acquisition for English language learners in grades 4 to 8, inclusive. Funds may be used for any of the purposes identified in the program established pursuant to this chapter.

(f) Funding for this program is contingent on an appropriation specifically for this purpose in the annual Budget Act or any other measure.

406. (a) The Regents of the University of California are requested to authorize the President of the University of California or his or her designee to jointly develop English Language Development Professional Institutes with the Chancellor of the California State University, the Chancellor of the California Community Colleges, the independent colleges and universities, and the Superintendent of Public Instruction, or their designees. In order to provide maximum access, the institutes shall be offered at sites widely distributed throughout the state. The California Subject Matter Projects, an intersegmental, discipline-based professional development network administered by the University of California, is requested to be the organizing entity for the institutes and followup programs.

(b) (1) Commencing in the 1999–2000 academic year, the institutes shall provide instruction for school teams from each school participating in the program established pursuant to this chapter. A school team shall include teachers who do not hold cross-cultural or bilingual cross-cultural certificates or their equivalents, teachers who hold those certificates or their equivalents, and a schoolsite administrator. The majority of the team shall be teachers who do not hold those cross-cultural certificates or their equivalents. If the participating school team employs instructional assistants who provide instructional services to English language learners, the team may include these instructional assistants.

(2) Criteria and priority for selection of participating school teams shall include, but not necessarily be limited to, all of the following:



(A) Schools whose pupils' reading scores are at or below the 40th percentile on the English language arts portion of the achievement test required to be administered pursuant to Section 60640.

(B) Schools in which a high percentage of pupils score below grade level on the English language development assessment to be developed pursuant to Section 60811, when it is developed.

(C) Schools with a high number of new, underprepared, and noncredentialed teachers. Underprepared teachers shall be defined as teachers who do not possess a cross-cultural or bilingual cross-cultural certificate, or their equivalents.

(D) Schools in which the enrollment of English language learners exceeds 25 percent of the total school enrollment.

(E) Schools with a full complement of team members as described in paragraph (1).

(c) Each team member who participates in a program at an institute shall receive a stipend of one thousand dollars (\$1,000).

(d) Instruction provided by the institutes shall be consistent with state-adopted academic content standards, and with the English language development standards adopted pursuant to Section 60811.

(e) (1) Instruction at the institutes shall consist of an intensive, sustained training period of no less than 40 hours during the summer or during an intersession break, and shall be supplemented, during the following school year, with no fewer than the equivalent of five additional days of instruction and schoolsite meetings, held on at least a monthly basis, to focus on the academic progress of English language learners at that school.

(2) Instruction at the institutes shall be of sufficient scope, depth, and duration to fully equip instructional personnel to offer a comprehensive and rigorous instructional program for English Language learners, and to assess pupil progress so these pupils can meet the content and performance standards required of all pupils in California. The instruction shall be designed to increase the capacity of teachers and other school personnel to provide and assess standards-based instruction for English language learners.

(3) The instruction shall be multidisciplinary and focus on instruction in disciplines for which the State Board of Education has adopted academic content standards. The instruction shall also be research-based and provide effective models of professional development in order to ensure that instructional personnel increase their skills, at a minimum, in all of the following:

(A) Literacy instruction and assessment for diverse pupil populations, including instruction in the teaching of reading that is research-based and consistent with the balanced, comprehensive strategies required under Section 44757.

(B) English language development and second language acquisition strategies.

(C) Specially designed instruction and assessment in English.

(D) Application of appropriate assessment instruments to assess language proficiency, and utilization of benchmarks for reclassification of pupils from English language learners to fully English proficient.

(E) Examination of pupil work as a basis for the alignment of standards, instruction, and assessment.

(F) Use of appropriate instructional materials to assist English language learners to attain academic content standards.

(G) Instructional technology and its integration into the school curriculum for English language learners.

(H) Parent involvement and effective practices for building partnerships with parents.

(f) It is the intent of the Legislature that a local educational agency or postsecondary institution that offers an accredited program of professional preparation consider providing partial and proportional credit toward satisfaction of the course requirements to an enrolled candidate who satisfactorily completes a California English Language Development Institute program, if the program has been certified by the Commission on Teacher Credentialing as meeting preparation standards.

(g) This section shall not apply to the University of California unless and until the Regents of the University of California act, by resolution, to make it applicable.

408. (a) The Legislature finds and declares that an evaluation of the program established pursuant to this chapter is desirable and necessary, and accordingly, requires all of the following:

(1) No later than October 1, 2003, each local educational agency that receives funding through the program established pursuant to this chapter shall submit a report to the Superintendent of Public Instruction that includes:

(A) An assessment of the effectiveness of that local educational agency in assisting English language learners in achieving state academic content and performance standards, including:

(i) Increasing school rates of redesignation of pupils from English language learners to English fluency.

(ii) Increasing high school completion rates of English language learners.

(iii) Improving test scores assessing English language development as well as grade level standards in reading, writing, mathematics, science, and history/social science established pursuant to Sections 60640 and 60811.

(B) Problems encountered in the design and operation of the program, including identification of any federal, state, or local statute or regulation that impedes program implementation.

(2) The Superintendent of Public Instruction shall contract for an independent evaluation of the effectiveness of funds awarded under this chapter in assisting local educational agencies in implementing

the English Language Acquisition Program. No later than April 1, 2004, the Superintendent of Public Instruction shall submit to the Governor and the Legislature the results of the evaluation, and a summary of the reports submitted to the superintendent pursuant to this subdivision.

(b) The evaluation shall focus on the extent to which goals and objectives have been met and shall include recommendations for modifications to the program to achieve those goals. The evaluation shall also compare the success of participating local educational agencies in meeting the goals and objectives to local educational agencies not participating in the program and shall take into consideration comparisons to schools with similar characteristics.

(c) Additional independent evaluations may be conducted by the Superintendent of Public Instruction subject to additional funding being made available for purposes of this chapter in subsequent fiscal years.

410. (a) Subject to funds appropriated therefor in the annual Budget Act or any other measure, the California Research Bureau of the California State Library shall convene a broadly diverse group to examine the available research on English language acquisition by English language learners. This research shall include evaluations of English language acquisition programs that demonstrate success in assisting English language learners in being redesignated as fluent in English, as well as achieving academic progress. The research shall include short-term strategies that may be made available to local educational agencies as soon as practicable, as well as long-term research that may provide for case studies and model programs distributed to local educational agencies pursuant to paragraph (c).

(b) The Superintendent of Public Instruction shall compile a compendium of model programs identified in subdivision (a) that demonstrate success in assisting English language learners in being redesignated as fluent in English, and shall provide this compendium in a program advisory to local educational agencies.

(c) The Superintendent of Public Instruction shall provide the compendium of model programs identified in subdivision (a) that demonstrate success in teaching strategies and methodologies to institutions of higher education and other institutions that offer teacher training programs so that these strategies may be considered for inclusion in teacher training programs.

